

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOHN GARRETT SMITH,

Plaintiff,

v.

TERRY NEALY,

Defendant,

NO: 2:20-CV-0004-TOR

ORDER DISMISSING ACTION

By Order filed April 22, 2020, the Court denied Plaintiff's application to proceed *in forma pauperis* based on the finding that Plaintiff had three or more qualifying "strikes" under 28 U.S.C. § 1915(g) and he had failed to show that he was under "imminent danger of serious physical injury" when he filed his complaint on January 2, 2020. ECF No. 10. The Court, however, granted Plaintiff additional time, until May 13, 2020, to pay the \$400.00 fee (\$350.00 filing fee plus \$50.00 administration fee). Plaintiff did not pay the \$400.00 fee and has filed nothing further in this action.

1 Accordingly, **IT IS ORDERED** that this action is **DISMISSED without**
2 **prejudice** for failure to pay the filing fee as required by 28 U.S.C. § 1914.

3 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
4 enter judgment, forward a copy to Plaintiff and close the file. The Court certifies
5 any appeal of this dismissal would not be taken in good faith.

6 **DATED** May 14, 2020.



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Thomas O. Rice
THOMAS O. RICE
Chief United States District Judge